

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,

Plaintiff,

Docket No.: 07 CV 3148 (LAK)

-against-

BUILDERS RESOURCE, INC., D'ONOFRIO GENERAL  
CONTRACTORS CORP., CONSOLIDATED EDISON  
OF NEW YORK, INC., TERRA DINAMICA, LLC,  
CORESLAB STRUCTURES, and NICOLSON  
CONSTRUCTION CO.,

Defendants.

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BUILDERS RESOURCE, INC.,

Third-Party Plaintiff,

-against-

BAY CRANE SERVICE INC.,

Third-Party Defendant.

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**S I R S:**

**PLEASE TAKE NOTICE** that upon the declaration of Stephen H. Marcus, Esq. dated July 17, 2007 and the affidavit of Steven Allard, sworn to the 16<sup>th</sup> day of July, 2007, and the exhibits annexed thereto, the defendant and third-party plaintiff Builders Resource, Inc. ("BRI") and the third-party defendant Steven Allard will move this Court, at 500 Pearl Street, New York, New York, at a date to be determined by the Court, for an order, pursuant to FRCP Rule 12(b), dismissing the first cross-claim, insofar as it applies to BRI, and the third, fourth, and fifth cross-claims alleged against BRI by defendant Coreslab Structures (Conn.) Inc. ("CSCT"), and the

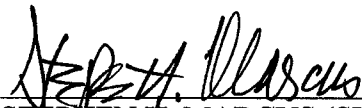
**NOTICE OF MOTION TO  
DISMISS CROSS-CLAIMS AND  
THIRD-PARTY COMPLAINT**

third-party complaint against Steven Allard alleged by CSCI, together with such other and further relief as to this Court seems proper.

Dated: New York, New York  
July 17, 2007

Yours, etc.

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and Third-Party Defendant Steven Allard*

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